

AMENDMENTS TO THE DRAWINGS

Attached hereto are the Replacement Sheets, which include formal Figures 1-3, previously filed during the International Stage. The Replacement Sheets filed during the International Stage:

- (a) added sill bracket gussets 8 to Figure 1;
- (b) added a label and thickness to horizontal portion 4 previously shown in Figure 1;
- (c) added rivet head 28 to Figure 2;
- (d) added labels "12", "16", "18", and "22" to Figure 2;
- (e) added sill bracket gussets 8 to Figure 3; and
- (f) added a thickness to horizontal portion 4 previously shown in Figure 3

No additional amendments are made herein.

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Applicants thank the Examiner for the remarks and analysis contained in the Office Action.

1. Claim for Priority

The Examiner objected to the specification for failing to include a “Cross-References to Related Applications” section in which reference was made to the prior PCT application that gave rise to the instant application. An appropriate amendment to the specification has been made herein and, therefore, this objection is now moot.

2. Objection to the Specification

The Examiner objected to the specification for a spelling error that has been fully obviated by way of the amendments made herein to the specification. Accordingly, a withdrawal of this objection is both warranted and earnestly solicited.

3. Objection to the Drawings

The Examiner objected to the quality of the drawings. In response, copies of the Replacement Sheets previously filed during the International Stage are attached hereto. Accordingly, a withdrawal of this objection is both warranted and earnestly solicited.

4. Rejection of Claims 1-5 under 35 U.S.C. § 112, ¶ 2

The Examiner rejected claims 1-5 under 35 U.S.C. § 112, ¶ 2 for variously formalistic reasons. Specifically, the Examiner objected to language recited in each of claims 1-4. With respect to the Examiner’s objection to the language recited in claim 1, Applicants respectfully submit that the objection has been full obviated by way of the amendments made herein to claim 1. However, with respect to the Examiner’s objection to the language allegedly recited in claims 2-4, it is respectfully noted that each of these objections was addressed in the Preliminary Amendment that was filed when the U.S. National Stage was entered. Accordingly, a withdrawal of this rejection is both warranted and earnestly solicited.

5. Rejections of Claims 1-5 under 35 U.S.C. §§ 102(b), 103(a)

The Examiner rejected: (a) claims 1-3 under 35 U.S.C. § 102(b) as allegedly being anticipated by International Patent Application Publication No. WO2002/060802 (“Mori”); (b) claim 4 under 35 U.S.C. § 103(a) as allegedly being obvious in view of Mori; and (c) claim 5 under 35 U.S.C. § 103(a) as allegedly being obvious when considering Mori in view of U.S. Patent No. 4,556,129 (“Martin”). For at least the following reasons, Applicants respectfully traverse each of these rejections.

As amended herein, claim 1 (*i.e.*, the claim from which claims 2-5 depend) recites an elevator car that includes, among other possible things (*italic emphasis added*):

a single, rigid toe guard member slidably mounted to a bottom of the car so as to be slidable upwards in the event that the toe guard member strikes a bottom of a hoistway pit.

As hereafter explained, Mori neither standing alone nor combined with Martin teaches or suggests such an elevator car.

Claim 1 recites, as above-italicized, a single, rigid toe guard member. In contrast, Mori discloses a two-piece toe guard 7 formed by a fixed plate 7a and a moveable plate 7b. Guide members 9 are fixed to the bottom of Mori’s fixed plate 7a so that the moveable plate 7b slides between the guide members and the fixed plate. As Mori teaches a two-piece toe guard, Mori fails to teach or suggest at least the above-italicized limitations of claim 1.

In addition to the foregoing, although Martin teaches a singular toe guard member, Martins’ toe guard is not slidable and would not work in the framework of Mori. Specifically, the safety switch (trip wire 52, fuse 64) of Martin’s toe guard only works if the toe guard is rotated. As the safety features of Martin’s toe guard can not function in the slideable environment presented by Mori, one of ordinary skill in the art would have no reason to combine Mori with Martin. In other words, one of ordinary skill in the art would have no reasonable expectation of success when combining Mori and Martin. *See* M.P.E.P. § 2143.02.

As Mori standing alone fails to teach or suggest each of the limitations of claim 1, and as Mori is not properly combinable with Martin to teach or suggest each of the limitations of claim 1, claim 1 is allowable over Mori and Martin. Moreover, as claims 2-5 depend from claim 1, each of these dependent claims is also allowable over Mori and Martin, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of the various §§ 102(b), 103(a) rejections of claims 1-5 is both warranted and earnestly solicited.

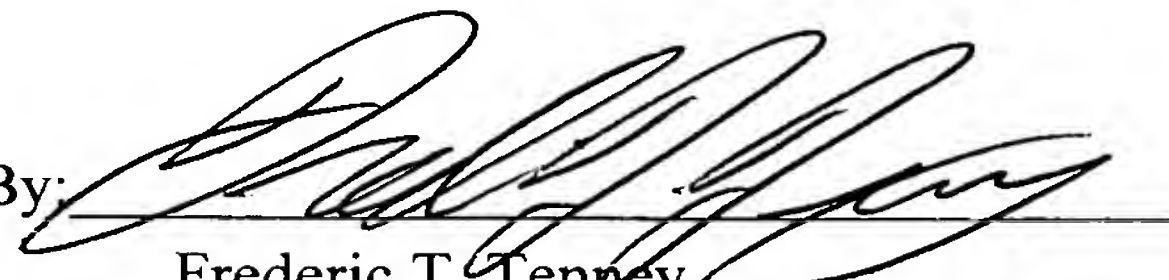
6. Conclusion

In light of the foregoing, claims 1-5 are in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Please charge Deposit Account No. 15-0750 with any fees, credits or overpayments in connection with this matter.

Respectfully submitted,

Date: November 6, 2008
Customer Number: 26584
OTIS ELEVATOR COMPANY
10 Farm Springs Road
Farmington, CT 06032

By: 
Frederic T. Tenney
Registration No. 47,131

Direct Dial: 860-676-6243
Direct Fax: 860-660-7337